



(the district court has “a duty to screen out a habeas corpus petition which should be dismissed for lack of merit on its face”).

It is evident from the face of the petition that the petitioner is not entitled to habeas relief.

A habeas petition under §2241 “is appropriate for claims challenging the execution or manner in which [a] sentence is served,” not for claims challenging the validity of a prisoner’s conviction or sentence, which must be asserted in the sentencing court pursuant to 28 U.S.C. §2255. *See United States v. Peterman*, 249 F.3d 458, 461 (6th Cir. 2001). Under highly exceptional circumstances, a federal prisoner may challenge his conviction or sentence via §2241, instead of §2255, if he is able to establish that his remedy under §2255 is inadequate or ineffective to test the legality of his detention. *Allen v. Lamanna*, 13 F. App’x 308, 310 (6th Cir. 2001).

Petitioner is not entitled to any relief by way of §2241. He has neither asserted his claim pursuant to §2255 or demonstrated that remedy is inadequate or ineffective.

### **Conclusion**

Accordingly, petitioner’s motion to proceed *in forma pauperis* (Doc. No. 3) is granted and his habeas petition is summarily dismissed. The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: May 23, 2016

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE